

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, March 20, 2002, 9:00 A.M.

ACTION CALENDAR:

1. **Minutes**, March 6 and 13, 2002 Worksession.

Action: Approved (AMC/AIF, 4-0).

2. **A-3148, Appeal of Calvin H. Fitz and Leona V. Ramey** (Department of Environmental Protection (DEP – Nonconforming Use). Letter to the Board from Sonal Goorha, regarding violations of the conditions in the Board of Appeals' Opinion dated 10/30/91.

Action: Board to request DPS inspection of the property, (LLM/AMC, 4-0).

3. **A-5063, Appeal of Solomon Bekele** (Department of Permitting Services – Notice of Violation). Letter to the Board from Thomas C. Schild, Esquire, requesting that the appeal be dismissed.

Action: Dismissed the appeal as withdrawn, (AMC/AIF, 4-0).

4. **A-5684, Appeal of Robin Jasper** (Department of Permitting Services – Denial Letter of October 2, 2001). Letter to the Board from Arrigo Mongini, requesting to intervene.

Action: Granted request to intervene, (LLM/AMC, 4-0).

5. **CBA-1174-C, The Holton Arms School** (private educational institution). Diana Coulton Beebe, Head of School, submitted the School's Quarterly Report.

Action: Re-opened the record to include the School's Quarterly Report, (AIF/LLM, 4-0).

- 6.. **CBA-2117-A, Francis J. Collins Funeral Home, Inc.** (funeral parlors or undertaking establishments). Letter to the Board from John J. Delaney, Esquire, submitting a revised lighting plan. (Large exhibit: lighting design plan).

Action: (1) Item deferred until the next worksession; (2) the Board to request details regarding the lighting levels from Mr. Delaney, consensus.

7. **S-707, Petition of McDonald's Corporation** (drive-in restaurant). Letter to the Board from Kimberly Zuccaro, Office Manager, submitting the additional information requested by the Board.

Action: Re-opened the record to include Ms. Zuccaro's correspondence, (AIF/AMC, 4-0).

8. **S-1466, Petition of Michael S. and Regina A. Mason** (landscape/retail nursery). Letters to the Board dated March 1 and March 11, 2002, from Melvin J. Laney. Also included are letters dated March 11 and 15, 2002, from Cathy G. Borten, Esquire.

Action: Re-opened the record to include the letters from Mr. Laney and Ms. Borten, consensus.

9. **S-1865, Petition of Christ Congregational Church and Boys' and Girls' Home of Maryland, Inc.** (charitable and philanthropic institution). Letter to the Board from Kirk Esherick, requesting information regarding what is permitted on the special exception property and to have DPS inspect the special exception property.

Action: Board to request a DPS inspection of the property, (AIF/LLM, 4-0).

10. **S-1944-B [S-1944], Petition of Four Streams Limited Partnership** (golf course in the RDT zone). Letter to the Board from C. Robert Dalrymple, Esquire, with a progress report on the text amendment. Also included is a letter from William J. Roberts, Esquire, requesting a public hearing.

Action: (1) Item to return to the worksession on 4/17/02; (2) Board to suspend its Resolution dated 2/20/02; (3) Board to request a timetable for the text amendment from the Mr. Dalrymple, (AMC/LLM, 4-0).

11. **S-2171, Petition of Maurice H. Berk** (non-resident professional office). Letter to the Board from William Kominers, Esquire, as a clarification and confirmation of the activities occurring at the special exception property.

Action: Item deferred for DPS inspection of the special exception property, (AMC/LLM, 4-0).

12. **S-2474, Petition of National Seniors' Housing, Inc.** (housing and related facilities for the elderly and handicapped). Letter to the Board from Jody S. Kline, Esquire, requesting a transfer of the special exception.

Action: Granted transfer of the special exception, (LLM/AIF, 4-0).

13. **S-2494, Petition of Omnipoint Communications Cap Operations LLC** (public utility buildings, public utility structures, telecommunications facilities). Letter to the Board from Maureen Kane Smith, Zoning Supervisor, requesting an amendment of the special exception application. (Large exhibit: site plan and west elevation).

Action: Re-opened record to include correspondence with attachments from Maureen Kane Smith, (AIF/LLM, 4-0).

DECISION:

14. **S-2485, Petition of Sandy Evans Levine** (major home occupation). Hearing Examiner's Report and Recommendation.

Action: Item deferred for 10 days to permit the parties of record to request oral argument before the Board of Appeals, (AMC/LLM, 4-0).

PENDING ITEMS:

15. **CBA-1692 [S-719, S-720, S-721], Petition of Karl W. Corby, Jr., et al** (medical practitioner's office). Letter to the Board from Stanley N. Garber, Zoning Investigator, DPS, notifying the Board of the special exceptions' outstanding Notices of Violation. Item deferred to a future worksession pending clarification from DPS.
16. **CBA-2640, Petition of The National Capital Area Council – Boy Scouts of America** (eleemosynary and philanthropic institution). Letter to the Board from Patricia A. Harris, Esquire, requesting an administrative modification. Board requested a review and recommendation from M-NCPPC.
17. **CBA-2986, Petition of Leafy House, Inc.** (housing for the elderly). Letter to the Board from Chris A. Fremuth, R.L.A., requesting an administrative modification. (Large exhibit: site, landscape and lighting plan). Item deferred for review of the landscape/lighting plan and the parking plan by M-NCPPC.
18. **S-569, [CBA-3051, S-95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use. Board requests DPS inspection of the special exception property.
19. **S-1547, Petition of Precision Tune** (automobile tune-up and service shop). Letter to the Board from Sa Kwon, owner, requesting a transfer of the special exception. Board granted the transfer of the special exception and requested DPS to inspect the special exception for compliance with landscape and lighting plan.
20. **S-1716, Petition of Sports Fun, Inc.** (commercial recreational or entertainment establishment). Letter to the Board from David and Nancy Ris, current property owners, notifying the Board that the special exception has been abandoned and requesting that the special exception be revoked. Item deferred. Board to request DPS correction of special exception address.
21. **S-2093, Petition of Bell Atlantic Mobile Systems, Inc.** (public utility structure). Letter to the Board from Sue Swett, Real Estate Department, Pinnacle Towers Inc., requesting a transfer of the special exception. Board requests additional information.
22. **S-2389 [S-24-B], Petition of AT&T Wireless Service, Inc.** (telecommunications facility). Letter to the Board from James R. Michal, Esquire, requesting an administrative modification. Board requests additional information.
23. **S-2435, Petition of Saiful and Jannatul B. Islam** (accessory apartment). Order from the Circuit Court reversing the Board's Opinion. Board requested DHCA inspection of the special exception and the item will return to a future worksession to determine if a public hearing is required.

PENDING ITEMS (continued):

24. **S-2473, Petition of Adnan Haider** (accessory apartment). Memorandum to the Board from Robert Dejter, Housing Code Field Supervisor, Department of Housing and Community Affairs. Board to request inspection of the special exception property by DPS.

Board Members

Donald H. Spence, Jr., Chairman - ABSENT
Donna L. Barron, Vice Chairman
Louise L. Mayer
Angelo M. Caputo
Allison Ishihara Fultz

Staff

Sherry Glazer, Assistant County Attorney
Katherine Freeman, Executive Secretary to the Board
Hermene Jones, Administrative Specialist

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